

Order

Michigan Supreme Court
Lansing, Michigan

May 7, 2009

Marilyn Kelly,
Chief Justice

137552 & (40)(41)

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

DEPARTMENT OF AGRICULTURE and
MICHIGAN APPLE COMMITTEE,
Plaintiffs-Appellants,

v

SC: 137552
COA: 277743
Kent CC: 05-011315-CZ

APPLETREE MARKETING, L.L.C. and
STEVEN KROPF,
Defendants-Appellees.

On order of the Court, the motions for leave to file briefs amicus curiae are GRANTED. The application for leave to appeal the September 16, 2008 judgment of the Court of Appeals is considered and, it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the plaintiffs may simultaneously pursue claims against Appletree Marketing, LLC for alleged violations of the Agricultural Commodities Marketing Act, MCL 290.651 *et seq.*, and for common law fraud and statutory conversion under MCL 600.2919a; and (2) whether, under the circumstances of this case, the plaintiffs may pursue claims for common law and statutory conversion against Appletree's principal, Steven Kropf.



s0430

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 7, 2009

Corbin R. Davis

Clerk